

1 **Minutes of the New Bern Planning & Zoning Board**
2 **August 2, 2016**
3

4 The regular meeting of the New Bern Planning & Zoning Board was held in the City Hall
5 Courtroom, 300 Pollock Street, on Tuesday, August 2, 2016 at 6:00 PM.
6

7 **Members present:** Mr. Kenneth Peregoy, Chair
8 Mr. Willie Newkirk, Sr.
9 Mr. Raymond Layton
10 Mr. Sonny Aluzzo
11 Mr. Jimmy Dillahunt
12 Mr. Haron Beatty
13 Mr. Byron Walston
14

15
16 **Members absent:**

17
18 **Members Excused:** Ms. Carol Williams
19 Mr. Barry Evans, Vice-Chair
20 Ms. Dorthea White
21

22
23 **Staff present:** Mr. Bradleigh Sceviour, Planner
24 Mr. Jeffrey Ruggieri, Director of Development Services
25 Mr. Greg McCoy, Land & Community Dev. Admin.
26 Ms. Morgan Jethro, City Planner
27 Ms. Cindy Blot, Community & Economic Dev. Manager
28 Mr. Matt Montanye, Director of Public Works
29 Mr. Carl Toler, City of New Bern Electric Department
30
31
32

33 Chair Peregoy called the meeting to order.

34
35 Roll call was taken and a quorum declared.
36

37 **Minutes:** The minutes from the February 2016 meeting were approved with a motion that
38 began with Mr. Layton and seconded by Mr. Aluzzo. The motion carried
39 unanimously. The minutes from the July 2016 meeting were approved with a
40 minor clerical correction regarding "colored signage" as noted by Chair Peregoy.
41 A motion to approve the meeting minutes from August 2016 was made by Mr.
42 Layton and seconded by Mr. Newkirk. The motion carried unanimously.
43

44 **New Business:**

- 45 **A. Request for a Conditional Use Permit (CUP) by the City of New Bern to operate a**
46 **trade or vocational school located at 205 First Street. The property is further**
47 **identified in Craven County Tax Book as 8-011 -153-C (Ward 3)**

48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94

Staff Comments: Staff McCoy gave a briefing on the proposed Conditional Use Permit. He noted the site is 4.6 acres, and that the proposed trade or vocational school permitted as a Conditional Use for the zoning district of C-3. The proposal was discussed at Department Review July 22, 2016 and the Board of Aldermen are expected to issue a call for a public hearing at their August 9, 2016 meeting. Ms. Blot gave a briefing on the intended use of the parcel as a trade or vocational school for residents in nearby neighborhoods, most of which do not have reliable public transportation and access to secondary educational opportunities. It was noted by staff that during Departmental Review, NCDOT's Division 2 Asst. Engineer David Sawyer was satisfied with the plans as presented, and would not permit an additional driveway out of concern for pedestrian safety; however they are not present this evening. Engineer Kevin Avolis and Architect Beth Walker of The Walker Group were present to respond to any questions the board may have. Mr. Montayne commented that the site was previously utilized as the City Garage which also housed Storm water Management staff, and at that time a traffic study was completed with an average of 888 vehicles per day. The site is currently utilized as a fuel pumping station, and a second pumping station is currently being constructed in James City. City Garage vehicles are currently being relocated to James City.

Board Comments:

Mr. Layton questioned the use of Rhem St. as ingress and egress. Mr. Beatty asked if all entrances to the site are located on First Street. Mr. K. Avolis responded that all entrances were located on Rhem Avenue. Chair Peregoy stated he had concern over piecemeal development of the site. Mr. Dillahunt asked if the plan is based off a two way street design, or a one way street design. He also asked if NCDOT was aware of the traffic design, and what the anticipated number of pedestrians were compared to drivers. Mr. Dillahunt asked if the same training would be offered at Craven Community College. Mr. Beatty inquired on the predicted hours of the facility and if the community would be disturbed in the evening.

Staff Comments:

Mr. McCoy commented that NCDOT has reviewed the plans and issued their comments. Ms. Blot commented on the need of the trade or vocational school within the community area as a part of the Choice Neighborhoods Initiative, and that she does not know the estimated number of driving students in comparison to pedestrians. She stated that 25% of the neighborhood population doesn't have reliable access to transportation, and this is an underserved population. It is also part of an EDA grant. She asked the board to be mindful that there are no uses of the property that will have zero traffic impact. Mr. McCoy commented that the New Bern Police Department recommended a sidewalk to be located on Queen Street to the Lawson's Creek area. Mr. Montayne commented that the City is designing sidewalks for First Street at this time. The sidewalks would be 5 feet wide and ADA compliant, and would be installed as soon as funding is available via grants and Board of Aldermen appropriation.

Public Comments:

Chair Peregoy asked for public comment. Dan & Janet Frey of 1506 Spencer Avenue spoke against the project and stated that although it's a great concept the area is already congested. He asked the board to consider an entrance off First Street or Park Avenue. Ms. Frey also reminded the board of the Ghent National Historic District Designation.

95 Chair Peregoy reminded the Board that when voting on a Conditional Use Permit, the Board
96 must individually vote on the Findings of Fact. Chair Peregoy asked Staff Jethro to read each
97 finding of fact and perform a roll call vote. The voting was as follows:
98

- 99 1. The requested permit is within its jurisdiction according to the table of permissible uses;
100 7-0 unanimous approval.
- 101 2. The application is complete; 7-0 unanimous approval.
- 102 3. If completed as proposed in the application, the development will comply with all of the
103 requirements of this ordinance; 7-0 unanimous approval.
- 104 4. The use will not materially endanger the public health or safety if located where proposed
105 and developed according to the plan as submitted and approved; 6-1, Mr. Walston voting
106 nay.
- 107 5. The use will not substantially reduce the value of adjoining or abutting property, or that
108 the use is a public necessity; 7-0 unanimous approval.
- 109 6. The location and character of the use, if developed according to the plan submitted and
110 approved, will be in harmony with the area in which it is to be located and in general
111 conformity with the plan of development of the city. 4-3, Chairman Peregoy, Mr.
112 Dillahunt, and Mr. Aluzzo voting nay.

113 Chair Peregoy stated that the proposed Conditional Use Permit will be recommended for
114 approval to the Board of Aldermen based on the Findings of Fact.
115
116

117 **Other Business:**

118 The Board began discussion of the General Plan for Rivertown Square by ARK Consulting
119 Group, on behalf of DDR Xenia & New Bern, LLC. Mr. Bryan Fagundus of ARK Consulting
120 Group was present to answer Board questions. Chair Peregoy asked why the applicant wanted to
121 subdivide the property at this time, and Mr. Fagundus responded that it was merely a
122 housekeeping measure at this time, whereas the property has already been developed. Brief
123 discussion ensued. Mr. Aluzzo made a motion to approve the General Plan, and Mr. Beatty
124 seconded the motion. The motion passed unanimously 7-0.
125

126 The Board began discussion of the General Plan for J&J Gardner Holdings by Gaskins Land
127 Surveying, on behalf of Raines Properties, LLC. Mr. Beatty asked if Academic Drive was large
128 enough to withstand additional traffic from the pending subdivision. Mr. Joe Avolis of Avolis
129 Engineering spoke on behalf of the project, and stated that they were comfortable with the
130 amount of traffic on the roadway. Some brief discussion followed. Mr. Beatty made a motion to
131 approve the General Plan, and Mr. Aluzzo seconded the motion. The motion passed
132 unanimously.
133

134 The Board began discussion of the consideration of a request by the City of New Bern to amend
135 the City Land Use Ordinance articles: Article II: Definitions; Addition of "Existing Grade" and
136 "Finished Grade"; Article III: Administrative Mechanisms; Article IV: Permits and Final Plat
137 Approval; Article XII: Density and Dimensional Regulations; XIV: Streets and Sidewalks.
138

139 **Staff Comments**

140 Staff Sceviour gave a brief presentation to the board regarding updates since the last discussion
141 of the proposed Land Use Ordinance updates. It was stated that the definition of "finished grade"
142 was added to Article II, Article III 15-25, "color" was added per the Board's request. Also,

143 Section 15-79 was changed to read, "18 by 24 inch copies and one digital copy (in a format to be
144 specified by planning staff)". The following amendments were also made of note: "Section 15-
145 189. Building height limitations: (3) In the C-1 central business district and C-2 commercial
146 waterfront district the finished grade is the elevation or surface of the earth after all earthwork
147 has been completed consistent with approved design specifications and shall not exceed 2' above
148 existing grade, (i) Deviations in finished grade greater than 2' may be permitted where additional
149 fill material is required to meet local, state, or federal permitting requirements. In such instances
150 the applicant shall submit a letter to the Director of Development Services or their designee. The
151 letter shall be signed by a professional engineer, licensed architect, or licensed landscape
152 architect stating the reason for exceeding the standard and the extent to which the standard will
153 be exceeded. Article XIV, "Section 15-214. (4) "...and the street..." was removed from the
154 proposed language. He also noted that the proposed changes to Article XVIII had been removed
155 per the board's request.

156

157 **Public Comment**

158 Nancy Hollows expressed her concern over the allowable maximum height within the C1
159 through C5 zoning districts. Chair Peregoy commented that the table of heights was approved at
160 the last meeting and her request should be stated before the Board of Aldermen.

161

162 **Board Discussion**

163 Mr. Aluzzo recommended that in Section 15-214, the word "developed" be removed, whereas it
164 was redundant. Mr. Walston made a motion that the Land Use Ordinance Amendments be
165 approved as submitted, with the exception of Section 15-214. Mr. Aluzzo seconded. The motion
166 passed unanimously 7-0.

167

168 Chair Peregoy asked for an update on the road issues on Old Airport Road from Director
169 Ruggieri, who stated that the City intends to cost share in order to widen the road to 22 feet wide
170 with a 5 foot shoulder.

171

172 Chair Peregoy called upon the Nominating Committee to discuss Chair and Vice Chair
173 Nominations for August 2016-June 30, 2017. Mr. Aluzzo stated that the Nominating Committee
174 had recommended Mr. Layton to serve as Chair and Mr. Evans to serve as Vice-Chair. A motion
175 to accept the nominations was made by Mr. Walton and seconded by Mr. Aluzzo. The motion
176 passed unanimously.

177

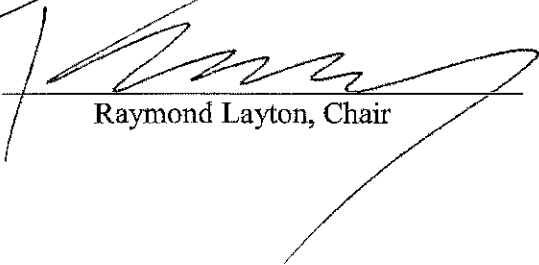
178 There being no further business, the meeting was adjourned with a motion made by Mr. Aluzzo
179 and seconded by Mr. Walston. The motion passed unanimously.

180

181

182

183


Raymond Layton, Chair


Morgan Jenro, Clerk